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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 MAY 14 AM 9:43

UNITED STATES OF AMERICA, Plaintiff, v. **Daniel LOPEZ-Becerra,** Defendant	)	Magistrate Docket No. '08 MJ 1498
	)	BY: DEPUTY
	)	COMPLAINT FOR VIOLATION OF:
	)	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **May 13, 2008** within the Southern District of California, defendant, **Daniel LOPEZ-Becerra,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14th** DAY OF **MAY, 2008**

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Daniel LOPEZ-Becerra

PROBABLE CAUSE STATEMENT

On May 13, 2008, Border Patrol Agent B. Bryan was performing his assigned duties in the Campo, California area of responsibility. Agent Bryan responded to seismic intrusion device in an area known as "Antone Canyon." This area is approximately nine miles east of the Tecate, California Port of Entry and fifteen miles north of the United States/Mexico International border.

Agent Bryan arrived in the area and observed fresh footprints heading north on a trail. Agent Bryan followed the footprints north until he encountered seventeen individuals attempting to hide in brush. Agent Bryan immediately identified himself as a United States Border Patrol Agent and questioned each subject as to their citizenship and immigration status, including one later identified as the defendant **Daniel LOPEZ-Becerra**. All subjects, including the defendant, freely admitted to being citizens and nationals of Mexico without the proper documents to enter or remain in the United States legally. At approximately 6:00 a.m., all seventeen were arrested and transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 09, 2007** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.